

Ordinance No. 2021-13  
Village of Salado  
County of Bell  
Oct 21, 2021

ORDINANCE NO. 2021-13

**AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, PROHIBITING THE PARKING OF ALL VEHICLES AND TRAILERS ON SALADO PLAZA DRIVE BETWEEN MAIN STREET AND VAN BIBBER ROAD WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF SALADO, AND PROVIDING FOR THE FOLLOWING: PURPOSE, FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**WHEREAS**, pursuant to Texas Local Government Code § 51.032, the Board of Alderman (the "Board") of the Village of Salado, Texas (the "Village") is authorized by law to adopt an ordinance, not inconsistent with state law, that it considers proper for the government of the Village; and

**WHEREAS**, as a general law municipality, the Village has exclusive control over the highways, streets, and alleys of the municipality pursuant to Texas Transportation Code § 311.002; and

**WHEREAS**, pursuant to Texas Local Government Code Chapter 217 the Board is authorized by law to adopt an ordinance that regulates public nuisances; and

**WHEREAS**, the Board of Alderman finds that parking vehicles and trailers on Salado Plaza Drive between Main Street and Van Bibber Road is unsightly, harmful to visual lines of sight, detrimental to neighboring property values, a public health, safety, and welfare concern, and generally a public nuisance; and

**WHEREAS**, it is deemed in the best interest of the Village for the health, safety and welfare of its citizens that an ordinance be established to regulate parking of all vehicles along Salado Plaza Drive between Main Street and Van Bibber Road within the Village; and

**WHEREAS**, the regulations established by this Ordinance are specifically designed to lessen congestion in the streets, secure safety from fire, panic, and other dangers; promote health and general welfare; and facilitate the adequate provision of transportation, within the Village; and

**WHEREAS**, the Village finds that the regulations adopted in this ordinance are for the good government, peace, and order of the Village.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:**

**SECTION I. ENACTMENT PROVISIONS**

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as “The Salado Plaza Drive Parking Ordinance.”
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply within the Village limits. This Ordinance applies to conduct on public streets, public street rights-of-way, public sidewalks, public alleyways, public parkways, public boulevards, and private property within the Village.
- D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

## **SECTION II. ADOPTION**

Ordinance No. 2021-~~13~~ is hereby adopted as follows:

### **A. Rules of Interpretation**

Words and phrases used in this Chapter shall have the meanings set forth in Ordinance 2020-09, “Parking Ordinance.” Terms that are not defined in that Ordinance are given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

### **B. General prohibition on parking on Salado Plaza Drive between Main Street and Van Bibber Road**

1. It shall be unlawful for any person to stop, stand, or park a motor vehicle, truck-tractor, road-tractor, trailer, semi-trailer, bus, recreational vehicle, commercial motor vehicle, or commercial utility trailer upon the street or right-of-way of Salado Plaza Drive between its intersections with Main Street and Van Bibber Road within the corporate limits of the Village of Salado. This section shall not apply to street construction, maintenance, and repair equipment; trucks, equipment, trailers, and vehicles used by public service utility companies engaged in repairing or extending public service utilities; or municipal vehicles used to perform Village business. It is an affirmative defense to prosecution under this section that if the vehicle had a mechanical defect rendering it unsafe to proceed further, it shall be lawful to stop, stand, or park for the time necessary to make emergency repairs or arrange removal.

### **C. Enforcement**

1. The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to a suit for injunctive relief as well as potential prosecution for criminal violations.

2. The Village Police Department shall have the power to have a vehicle towed to a Village-approved impound lot at the sole expense of the vehicle owner if the vehicle is operated in violation of this Ordinance.
3. Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500). An offense under this ordinance constitutes a Class C misdemeanor.
4. Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law.

### **SECTION III. RESERVATION OF RIGHTS**

All rights and remedies of the Village of Salado, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting the streets and roadways of the Village which existed at the time of the effective date of this Ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, the same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

### **SECTION IV. SAVINGS CLAUSE**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

### **SECTION V. SEVERABILITY CLAUSE**

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

### **SECTION VI. REPEALER CLAUSE**

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

## SECTION VII. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.


## SECTION VIII. NOTICE AND MEETING CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

## SECTION IX. PUBLICATION

This Ordinance shall become effective immediately upon the date of its publication as required by § 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

PASSED AND APPROVED on this, the 21<sup>st</sup> day of Oct., 2021, by a vote of 3 (ayes) to 1 (nays) and 0 abstentions vote of the Board of Alderman of the Village of Salado, Texas.

  
Michael Coggin, Mayor

ATTEST:

  
Cara McPartland, Village Secretary

Approved to Form:

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Josh Katz, Village Attorney

